

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HARVEY STEWART,

Plaintiff,

v.

R. JAMES NICHOLS, SECRETARY
U.S. DEPARTMENT OF VETERAN
AFFAIRS,

Defendant.

CASE NO.: 04-11598-WGY

Exhibit 3

1 IN THE MATTER OF:)

2 HARVEY STEWART,)

3 Complainant,)

4 vs.)

Case No. 200G-

0525-2002100953

5 VA BOSTON HEALTHCARE SYSTEM,)

6 BROCKTON, MASSACHUSETTS,)

7 Respondent.)

ORIGINAL

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10 A F F I D A V I T

11 TRANSCRIPT OF PROCEEDINGS in the
12 above-entitled matter of the examination of
13 CHESTER P. SWETT, JR., M.D., before EEO
14 INVESTIGATOR ANGELA MYERS, on the 4th of
15 December, 2002, at the hour of 9:03 a.m.

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22 Reported by: Caren Benge

1 Q. You indicated that there were some
2 concerns or issues with Mr. Hallett and the
3 complainant?

4 A. Well, yeah. That's only secondhand
5 information. I don't -- I don't really know.

6 Q. So you're not aware whether or not the
7 complainant initiated EEO counseling regarding
8 those issues he was having with Mr. Hallett?

9 A. I have no knowledge of that. I don't
10 know.

11 Q. Now, questions pertaining to the
12 written counseling: The complainant was given a
13 written counseling on December 6, 2001, for
14 failure to take vital signs. What was your role
15 in the complainant receiving the written
16 counseling?

17 A. Well, I was aware that -- as I
18 understand it, the mental health assistants or
19 nursing assistants, who are usually at the GS-5
20 level, often are trained to take vital signs --
21 which is, you know, temperature, pulse,
22 respiration, blood pressure -- and that this is,